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BEYER WEAVER & THOMAS LLP			PHU, PHUONG M	
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2631
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No. **09/784,221**

Applicant(s)

LEYN, ALEXANDER I.

Examiner

Phuong Phu

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE and Amendment filed on 3/18/05.

Claim Objections

2. Claims 1-8 and 17 are objected to because of the following informalities:

Claim 1 recites the limitation "said SYNC stream packets" on lines 3-4. This limitation is lack of antecedent basis.

Claims 7 and 17 recite the limitation "said qualified system time events packets" on lines 8-9. This limitation is lack of antecedent basis.

Claims, (if any) depended on above claims, are therefore also rejected with the above reasons.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

Art Unit: 2631

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-13, 17-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Noda et al (5,784,119), previously cited.

-As per claims 1, 8, 9, 17 and 18, see figure 1 and col. 2, line 38 to col. 3, line 67, Noda et al discloses a method and associated system comprising:

step/means (12, 11) having an input source for outputting a CLK signal (RCK) and an input signal stream (17) for being received by means (13); (note: the input signal stream (17) being considered here equivalent with the limitation "SYNC stream" of claims 1, 8, 9 and 17, and with "synchronization stream" of claim 18);

step/means (13) of receiving said CLK signal and said input signal stream, and decoding said input signal stream into a plurality of decoded signals (AD, AUDIO PTS/DTS, VD, VIDEO PTS/DTS) in a time domain; said decoding utilizing said CLK signal; (note that said plurality of decoded signals are considered here equivalent with the limitation "qualified system time events" of claims 1, 8, 9, 17 and 18; said means (13) equivalent with "SYNC decoder" of claim 1, with "means for decoding" of claim 17 and with "synchronization decoder" of claim 18);

step/means (13) of transmitting said decoded signals to a plurality of receivers (15, 16);

step/means (15, 16) of receiving said decoded signals, creating third signals (18, 19) by converting said decoded signals into said third signals in the time domain and synchronizing said third signal with said CLK signal and said input signal stream by using means (13, 14) (note that said step/means (15, 16) considered equivalent with "plurality of SYNC receivers" of claims 1, 9, with "means for creating and synchronizing" of claim 17 and with "synchronization receivers"

Art Unit: 2631

of claim 18; said third signals equivalent with the limitation “derived time events” of claims 1, 8, 9, 17 and 18); and

step/means (15, 16) having means of transmitting said third signals (note: said step/means (15, 16) having means of transmitting said third signals considered equivalent with the limitation “output interface” of claims 1 and 18).

-As per claims 2, 10 and 21, Noda et al discloses that said input source comprises a clock (RCK) for being received by means (13, 14) (see figure 1).

-As per claims 4, 11 and 12, Noda et al discloses that said input source receives said CLK signal from an external reference oscillator (12) and outputs said CLK signal to said step/means (13).

-As per claims 5, 13, 20 and 23, Noda et al discloses that each of receivers of step/means (15, 16) comprise a counter (14) wherein said third signals are dependent on the value of the counter (see figure 1) (note said counter being considered here equivalent with the limitation “flywheeling counter”).

-As per claim 6, in Noda et al, said signal stream (17) comprises a plurality of packet “frame” (see col. 2, lines 53-60), wherein each packet inherently comprises a plurality of high and low bits (PTS, DTS, other data bits) with a length more than 8 bits for a purpose of synchronizing a data stream (see col. 3, lines 1-24) (note said plurality of high and low bits accounted for the limitation “a high level bit, a packet start bit, a group of flag bits, a low bit, a group of checkword bits and a take bit” of claim 6).

-As per claim 7, Noda et al discloses that said plurality of high and low bits repeats in each packet (see col. 3, lines 1-24).

Art Unit: 2631

-As per claim 19, in Noda et al, the periodicity of the third signal inherently has a relationship with the decoded signals because the third signal is converted from the decoded signals (see figure 1).

5. Claims 1, 2, 4, 8-12, 17, 18, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al (6,288,748), previously cited.

-As per claims 1, 8, 9, 17 and 18, see figure 4 and col. 6, line 7 to col. 7, line 2, Watanabe et al discloses a method and associated system comprising:

step/means (113, 122) having an input source for outputting a CLK signal and an input signal stream (T.S.) for being received by means (114) (note: the input signal stream being considered here equivalent with the limitation "SYNC stream" of claims 1, 8, 9, 17 and 18, and with "synchronization stream" of claim 18);

step/means (114) of decoding said signal stream into a plurality of decoded signals (A, Y, H); said decoding utilizing said CLK signal (see col. 6, lines 23-25) (note that said plurality of decoded signals are considered here equivalent with the limitation "qualified system time events" of claims 1, 8, 9, 17 and 18; said means (114) equivalent with "SYNC decoder" of claim 1, with "means for decoding" of claim 17 and with "synchronization decoder" of claim 18);

step/means (115, 117, 119) of transmitting said decoded signals to a plurality of receivers (116, 118, 120);

step/means (116, 118, 120) of creating and synchronizing third signals (outputted from means (116, 118) being derived from said decoded signals (note that said third signals are considered here equivalent with the limitation "derived time events") (note that said step/means (116, 118, 120) considered equivalent with "plurality of SYNC receivers" of claims 1, 9, with

“means for creating and synchronizing” of claim 17 and with “synchronization receivers” of claim 18;; said third signals equivalent with the limitation “derived time events” of claims 1, 8, 9, 17 and 18); and

step/means (116, 118, 120) of transmitting said third signals (note: said step/means (116, 118, 120) having means of transmitting said third signals considered equivalent with the limitation “output interface” of claims 1 and 18).

-As per claims 2, 10 and 21, Watanabe et al discloses that said input source comprises a clock signal from means (122) (see figure 4).

-As per claims 4, 11 and 12, Watanabe et al discloses that said input source receives said CLK signal from an external reference oscillator (123) and outputs said CLK signal to a plurality of devices comprising means (114) (see figure 4).

-As per claim 19, in Watanabe et al, the periodicity of the third signal inherently has a relationship with the decoded signals because the third signal is converted from the decoded signals (see figure 4).

Claim Rejections - 35 USC § 102/103.

6. Claims 3 and 22 are rejected under 35 U.S.C. 102(b)/103(a) as being anticipated by, or unpatentable over Noda et al.

-As per claims 3 and 22, Noda et al discloses that said input source comprises a reference oscillator (12) that outputs said CLK signal to means (13) wherein it is inherently or obvious that the reference oscillator maintains said CLK signal when non-related sources are absent (removed) or present (see figure 1); (note: said reference oscillator being considered here equivalent with the limitation “locked oscillator” of claim 3).

Art Unit: 2631

7. Claims 3 and 22 are rejected under 35 U.S.C. 102(b)/103(a) as being anticipated by, or unpatentable over Watanabe et al.

-As per claims 3 and 22, Watanabe et al discloses that said input source comprises a reference oscillator (123) that outputs said CLK signal to means (114) wherein it is inherently or obvious that the reference oscillator maintains said CLK signal when non-related sources are absent (removed) or present (see figure 1); (note: said reference oscillator being considered here equivalent with the limitation "locked oscillator" of claim 3).

Response to Arguments

8. Applicant's arguments filed on 3/16/05 have been fully considered but they are not, in part, persuasive.

-The rejections, under 35 USC, second paragraph, to claims 3 and 4, have been withdrawn since the claims were amended to overcome the rejection.

-Applicant's arguments, with respect to claims 1-13 and 17 as being disclosed by Noda et al or Watanabe et al, are not persuasive.

The applicant mainly argues that (i) neither of Noda et al or Watanabe et al discloses all the limitations in claims 1, 8, 9 and 17 and (ii) particularly, neither of Noda et al or Watanabe et al discloses "SYNC stream" as recited in claims 1, 8, 9 and 17.

Regarding to part (i), the examiner respectfully disagrees. Both Noda et al or Watanabe et al does disclose all the limitations in claims 1, 8, 9 and 17. The rejection is now written above in details to show how Noda et al or Watanabe discloses the limitations of the claims. If the applicant does not agree, the applicant is hereby requested to point out which limitations of the claims that neither of Noda et al or Watanabe et al discloses.

Art Unit: 2631

Regarding to part (ii), the examiner also disagrees. As being explained in the above rejections, Noda et al or Watanabe et al discloses input signal stream, which is considered equivalent with the limitations "SYNC stream". Note that "SYNC" in the limitation "SYNC stream" is not given any patentable weight over either Noda et al or Watanabe et al, and the "SYNC stream" is therefore considered merely as a stream, and considered being discloses by Noda et al/ Watanabe et al input signal stream, because the claims does not disclose other limitations of the "SYNC stream" showing its detail description, or functions or operations of "SYNC" on the claimed method/system or element(s) of the claimed method/system in order to make the "SYNC stream" distinguishable from Noda et al/ Watanabe et al input signal stream.

Further, in attempting to show the "SYNC stream" distinguishable from Noda et al/ Watanabe et al input signal stream, the applicant argues that the "SYNC stream" contributes to synchronization while Noda et al/ Watanabe et al input signal stream does not. The examiner disagrees. With respect to Noda et al, the input signal stream does contribute to a synchronization in such a way that the input signal stream comprises presentation time stamps (PTS) and decoding time stamps (DTS) (see col. 2, lines 50-60) which are used for a synchronous reproduction (see col. 3, lines 12-14). With respect to Watanabe et al, the input signal stream does contribute to a synchronization in such a way that the input signal stream comprises PCR signal which used in SYSTEM CLOCK GENERATOR (122) for generating a system clock for the system (110) (see figure 4, and col. 6, lines 23-24).

Based on the above rationale, it is believed that the limitations of claims are still met and therefore, the rejections are still maintained.

Art Unit: 2631

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuong Phu

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04/05/05

PHUONG PHU
PRIMARY EXAMINER

Phuong Phu
Primary Examiner
Art Unit 2631